Drawings are allowable.

Remark 3:

In response to the Examiner's rejections, Applicant has amended Claim 1 and Claim 10 and Claim 17, and deleted Claim 2, originally filed. In particular, the amendments render the claim definite. The scope of the amended claim includes a system for controlled dispensation of "insecticide" into an atmosphere. Applicant submits that replacing the phrase "active ingredients" with "insecticide" does not render Claim 1 (once amended) outside of the scope of the Specification as filed. Further, Applicant submits that inserting the term"insecticide" does not render Claim 10 (once amended) outside of the scope of the Specification as filed. The term "insecticide" is used throughout the Application as a volatile material which can be used with the present invention. Furthermore, the cited obviating prior art are not directed to the problem of vaporization of volatile insecticide material. With all due respect, Applicant submits that the amendments overcome the Examiner's rejection to the Claims.

Remark 4:

In response to the Examiner's rejections, Applicant has amended Claim 1 and Claim 5, originally filed. In particular, the amendments render the claim definite. The scope of the amended Claim 1 is not limited to a metal material of construction. The scope of the amended Claim 5 includes a Markush-type grouping of materials of construction. With all due respect, Applicant would distinguish between"heat resistant" and "thermal conductivity" as two different but related physical properties. "Heat resistance" refers to a materials ability to withstand exposure to high temperatures, without decaying, decomposition, loss of structural integrity or strength, etc., while "thermal conductivity" relates to the ability of the material to conduct heat, such as from one side of a piece of metal in contact with a heat source through the metal to another material placed in contact with the other side of the piece of metal.

While a material may be very highly heat resistant, such as a insulating, refractory or ceramic brick, it may be a very poor conductor of heat. Likewise, while a material may have a very high thermal conductivity, such as in the case of lead metal, it can also have a low heat resistance, i.e., a low melting point. Applicant submits that the amendments to Claims 1 and 5 do not render the Claim 1 (once amended) and Claim 5 (once amended) outside of the scope of the Specification as filed. With all due respect, Applicant submits that the amendment overcomes the Examiner's rejection to the Claims.

Remark 5:

In response to the Examiner's objections, Applicant has amended Claim 8, originally filed. In particular, the amendment deletes the word "solid" and thus obviates the objection to the Specification. It will be understood that the usage "solid pattern" has meanings which include, *inter alia*, "overall", "uniform", "repeating" or "continuous" pattern. However, since the claim already recites "an entire lower surface", Applicant submits that the word "solid" may be deleted without altering the essential or intended meaning of the claim. Applicant further submits that deletion of the word "solid" does not render the Claim 8 (once amended) outside of the scope of the Specification as filed. As shown in FIGS. 4A and 5a, and as described in the Specification at pages 8, 11-13, integral leg structures can be distributed in essentially any pattern over portions of or the entire lower surface of the heat regulating containers of the present invention. It will further be understood that the pattern can be random or asymmetrical, discontinuous or erratic pattern. With all due respect, Applicant submits that the amendment overcomes the Examiner's objections to the Drawings and the Specification.

Remark 6:

In response to the Examiner's rejections, Applicant has amended Claim 11, originally filed. In particular, the amendment provides a range, as suggested by Examiner, for the number of leg structures

and thus makes the claim more definite. It will be understood that the Specification specifically recites the range of 1 to 44 leg structures. However, recitation of this range in the dependent Claim 11 (once amended) is not intended to limit the scope or possible and reasonable interpretation of Claims 1 (once amended) through Claim 10, inclusive, and Claim 12 (once amended) through Claim 17, inclusive. Applicant further submits that recitation of the range of about 1 to about 44 does not render the claim outside of the scope of the Specification as filed. As shown in FIG. 4A and as described in the Specification at pages 5, 8, 11-13, a range of between at least about 1 and about 44 integral leg structures can be utilized on the lower surface of the heat regulating containers of the present invention. With all due respect, Applicant submits that the amendment overcomes the Examiner's rejection of the Claims.

Remark 7:

In response to the Examiner's rejections, Applicant has amended Claim 12, originally filed. In particular, the amendment provides a range, as suggested by Examiner, for the height of leg structures and thus makes the claim more definite. It will be understood that the Specification specifically recites the height of 0 mils to 24 mils. However, recitation of this range in the dependent Claim 12 (once amended) is not intended to limit the scope or possible and reasonable interpretation of Claims 1 (once amended) through Claim 11 (once amended), inclusive, and Claim 13 through Claim 17, inclusive. Applicant further submits that recitation of the range of about 1 mil to about 24 mils does not render the claim outside of the scope of the Specification as filed. As described in the Specification at page 14, integral leg structures having a height in the range of between at least about 0 mils and about 24 mils can be utilized on the lower surface of the heat regulating containers of the present invention. With all due respect, Applicant submits that the amendment overcomes the Examiner's rejection of the Claims.

Remark 8:

Applicant respectfully requests Examiner withdraw Beatty, U.S. Pat. No. 533,428, as an anticipating prior art reference. With all due respect, Applicant submits that Beatty is not directed to a heat-regulating container for vaporizing and dispensing insecticide material into an atmosphere. With all due respect, Applicant submits that in the container of Beatty, heat is transferred to the legs of the container by convective heating, i.e., from hot air produced by a furnace, while the heat transferred to the legs of the present invention is transferred by *conduction*, i.e., by the integral leg supports in contact with a hot surface of a heating device. The two mechanisms of heating are entirely different, and the present invention is neither anticipated nor obviated by the Beatty reference.

CONCLUSION

Applicant respectfully submits that for all the foregoing reasons, the claimed subject matter describes patentable invention. Furthermore, Applicant submits that the specification is adequate and that the claims are in a condition for allowance. No new matter has been entered.

Applicant hereby respectfully requests Examiner to enter these amendments, find them descriptive of useful, novel and non-obvious subject matter, and authorize the issuance of a utility patent for the truly meritorious, deserving invention disclosed and claimed herein.

Without further, Applicant does not intend to waive any claims, arguments or defenses that they may have in response to any official or informal communication, paper, office action, or otherwise, and they expressly reserve the right to assert any traverse, additional grounds establishing specificity and clarity, enablement, novelty, uniqueness, non-obviousness, or other patentability, etc.

Further, nothing herein shall be construed as establishing indirectly the basis for any prosecution

history, file wrapper estoppel, or similar in order to limit or bar any claim of infringement of the invention described herein, either directly or under applicable doctrine of equivalents.

Respectfully submitted,

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Dated: December 31, 2002

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CERTIFICATE OF MAILING

I hereby certify that this paper and the documents attached hereto are being deposited in a postage prepaid, sealed envelope with the United States Postal Service using First Class Mail service under 37 CFR 1.08 on the date indicated and is addressed to "Commissioner of Patents and Trademarks, Washington, D.C. 20231". Signed: _____ Date Mailed: December 31, 2002

Marked-Up Version(s) of Replacement Paragraph(s)
37 CFR 1.21(b)(1)(iii)

none

Marked-Up Version(s) of Amended Claim(s)
37 CFR 1.21(c)(1)(ii)

Claim 1 (once amended) A system for controlled dispensation of [active ingredients] insecticide into an atmosphere, the system comprising:

a heat-regulating container [made entirely of metal and] having one or more reservoir portions, a volatile material comprising [active ingredients] insecticide to be dispensed into the atmosphere contained within the one or more reservoir portions, and a lower surface having integral leg support structure; and

a heating device having a heating surface and adapted to receive the heat-regulating container such that the integral leg support structure is in direct contact with the hot surface, thereby regulating the temperature of the volatile material in the one or more reservoir portions within the container.

Claim 5 (once amended) The system of Claim 1 (once amended), wherein the container is made of a [single] heat-resistant material selected from the group of materials consisting of metal, thermoplastic, and ceramic.

Claim 8 (once amended) The system of Claim 6, wherein the plurality of integral leg support structures are provided in a [solid] pattern over an entire lower surface portion of the container.

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Claim 10 (once amended) A heat-regulating container for dispensing volatile insecticide materials into an atmosphere, the container adapted for use in a heating device having a heating surface at elevated temperature, the container comprising:

a reservoir portion for containing volatile insecticide material to be dispensed;

a lower surface; and

a plurality of integrally formed leg structures extending from the lower surface of the container for regulating the transfer of heat from a heating surface of a heating device to volatile insecticide material to be dispensed.

Claim 11 (once amended) The container of Claim 10, further comprising [a predetermined number of] between about 1 and about 44 integrally formed leg structures.

Claim 12 (once amended) The container of Claim 10, in which the plurality of integrally formed leg structures each have a [predetermined] height between about 1 mil and about 24 mils.

Claim 17 (once amended) The container of Claim 10, further comprising a volatile insecticide material.

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